

FILED
SCRANTON

FEB 02 2010

United States District Court
Middle District Of Pennsylvania X

PER Guy
DEPUTY CLERK

Guy Marshall,

Plaintiff, Affidavit in Support
v.
of Motion

FedEx Ground,
Defendant. X
DKT NO. 3:09-cv-2531

I, Guy Marshall, herein certify that statements made by me are true. I am aware that if any of the foregoing statements made by me are willfully false, I am subject to punishment.

Dated: January 28, 2010

Respectfully Submitted,

Guy Marshall

Guy Marshall

43 Oneida DR

Guildford, Pa. 18424

(570) 807-4987

Appendix

1. January 23, 2010 Motion+Affidavit in support

2. September 25, 2009 PHRC's Letter

Subpoena for "investigative case files"

3 Jan 26, 2010 Court's Order

4 Blank subpoenas

Chairperson
STEPHEN A. GLASSMAN
Vice Chairperson
RAQUEL O. YIENGST
Secretary
DANIEL D. YUN
Assistant Secretary
REV. DR. JAMES EARL GARMON, SR.
Executive Director
HOMER C. FLOYD



Commissioners
ISMAEL ARCELAY
M. JOEL BOLSTEIN
J. WHYATT MONDESIRE
S. KWEILIN NASSAR
GERALD S. ROBINSON
SYLVIA A. WATERS
DANIEL L. WOODALL, JR.

COMMONWEALTH OF PENNSYLVANIA

Human Relations Commission
301 Chestnut, Suite 300
Harrisburg, PA 17101-2702
(717) 787-4410 voice
(717) 787-4087 TTY
www.phrc.state.pa.us

September 25, 2009

Guy Marshall
43 Oneida Drive
Gouldsboro PA 18424

**RE: Guy Marshall v Fedex Ground
PHRC Case No. 200505472
EEOC No. 17F200661975**

Dear Mr. Marshall:

This letter is sent as a supplemental response to our letter, dated September 24, 2009, that we sent to you regarding your September 21, 2009 request for certain case file documents and other materials.¹

As explained to you in our September 24, 2009 letter, Pennsylvania's Right To Know Law, in general, does not include the records we maintain in our investigative case files as public records. As such, absent receipt of a validly issued and served subpoena, we can only provide you with the types of documents that we outlined in our letter to you. Additionally, your request appears to ask for records that, if maintained, would only be maintained by the EEOC. For example, you ask for records that the EEOC would review in order to conduct a "substantial weight review". For information regarding the EEOC process for review of cases that we have investigated, please contact the EEOC (as noted herein, your second request was also directed to the EEOC).

I hope that the above is responsive to your request. Please feel free to contact me if there are questions concerning the above.

Respectfully,

Michael Hardiman
Chief Counsel

c: Homer C. Floyd, Executive Director

¹ You submitted a second request, dated September 25, 2009, to our Executive Director and an EEOC official. This second request, which includes a copy of your initial request, and appears to be simply a second request the same documents that you requested in your September 21, 2009 request. Please consider this letter to be responsive to both requests.

UNITED STATES DISTRICT COURT
for the

Plaintiff

v.

Defendant

Civil Action No.

(If the action is pending in another district, state where:

**SUBPOENA TO PRODUCE DOCUMENTS, INFORMATION, OR OBJECTS
OR TO PERMIT INSPECTION OF PREMISES IN A CIVIL ACTION**

To:

Production: YOU ARE COMMANDED to produce at the time, date, and place set forth below the following documents, electronically stored information, or objects, and permit their inspection, copying, testing, or sampling of the material:

Place:

Date and Time:

Inspection of Premises: YOU ARE COMMANDED to permit entry onto the designated premises, land, or other property possessed or controlled by you at the time, date, and location set forth below, so that the requesting party may inspect, measure, survey, photograph, test, or sample the property or any designated object or operation on it.

Place:

Date and Time:

The provisions of Fed. R. Civ. P. 45(c), relating to your protection as a person subject to a subpoena, and Rule 45 (d) and (e), relating to your duty to respond to this subpoena and the potential consequences of not doing so, are attached.

Date: _____

CLERK OF COURT

OR

Signature of Clerk or Deputy Clerk

Attorney's signature

The name, address, e-mail, and telephone number of the attorney representing (name of party)

, who issues or requests this subpoena, are:

UNITED STATES DISTRICT COURT
for the

Plaintiff

v.

)
) Civil Action No.
)
)
)

(If the action is pending in another district, state where:
)

Defendant

**SUBPOENA TO PRODUCE DOCUMENTS, INFORMATION, OR OBJECTS
OR TO PERMIT INSPECTION OF PREMISES IN A CIVIL ACTION**

To:

Production: YOU ARE COMMANDED to produce at the time, date, and place set forth below the following documents, electronically stored information, or objects, and permit their inspection, copying, testing, or sampling of the material:

Place:	Date and Time:
--------	----------------

Inspection of Premises: YOU ARE COMMANDED to permit entry onto the designated premises, land, or other property possessed or controlled by you at the time, date, and location set forth below, so that the requesting party may inspect, measure, survey, photograph, test, or sample the property or any designated object or operation on it.

Place:	Date and Time:
--------	----------------

The provisions of Fed. R. Civ. P. 45(c), relating to your protection as a person subject to a subpoena, and Rule 45 (d) and (e), relating to your duty to respond to this subpoena and the potential consequences of not doing so, are attached.

Date: _____

CLERK OF COURT

OR

Signature of Clerk or Deputy Clerk

Attorney's signature

The name, address, e-mail, and telephone number of the attorney representing (*name of party*) _____
, who issues or requests this subpoena, are:

